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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 RICHARD L. PARENTEAU, JR.,

9 Plaintiff,

10 v.

11 DR. BENJAMIN SANDERS,

12 Defendant.

Case No. 2:17-cv-888-MJP-BAT

**ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL**

13 Plaintiff Richard L. Parenteau moves the Court to compel the deposition on written  
14 questions of Defendant Benjamin Sanders pursuant to Rule 31 of the Federal Rules of Civil  
15 Procedure. Dkt. 16. The motion is denied without prejudice for the following reasons.

16 First, the motion is premature as plaintiff has failed to send notice and any written  
17 questions to defendant. Thus, there is nothing for the Court to compel. Second, before the Court  
18 will intervene in a parties' discovery dispute, the parties must first attempt to resolve the dispute.  
19 If the parties cannot agree, a party may apply to the court for an order compelling discovery after  
20 providing notice to the other parties, but the motion must also include a certification that the  
21 movant has in good faith conferred or attempted to confer with the person or party failing to  
22 make the discovery in an effort to secure the information or material without court intervention.  
23 See Fed. R. Civ. P. 37(a)(1) and LCR 37(a)(1) Fed. R. Civ. P. 37(a)(2)(B).

Accordingly, it is **ORDERED:**

1 (1) Plaintiff's motion to compel defendant's deposition on written questions (Dkt. 17)  
2 is **denied without prejudice**. If plaintiff wishes to proceed with a deposition on written  
3 questions, he must first comply with the requirements of Fed. R. Civ. P. 31 and confer with  
4 counsel for defendant if any dispute arises thereafter.

5 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

6 DATED this 15th day of December, 2017.

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BRIAN A. TSUCHIDA  
9 United States Magistrate Judge  
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